

AMENDED IN ASSEMBLY APRIL 29, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 339

Introduced by Assembly Member Torres

February 18, 2009

An act to amend Sections 12000 and 12001 ~~of, and to add Chapter 4.5 (commencing with Section 1550) to Part 2 of Division 1 of Title 1 of, of the Education Code, relating to education finance.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 339, as amended, Torres. Education finance: county offices of education.

(1) Existing law establishes a system of public elementary and secondary schools in this state. Under this system, local educational agencies, which include school districts and county offices of education, have numerous responsibilities relating to the operation of schools and the instruction of pupils.

This bill would express findings and declarations of the Legislature relating to the funding of county offices of education. ~~The bill would require, notwithstanding any other provision of law, the Superintendent of Public Instruction to ensure that each county office of education be eligible for any funding opportunity that would benefit pupils, parents or caregivers, or educators and that would be available to a school district in circumstances that are substantially similar to those pertaining to that county office of education.~~

(2) Existing law requires the State Board of Education to direct the allocation and apportionment of federal funds to local education agencies. ~~Existing law also requires the state board to adopt rules and regulations for the allocation of federal funds to local school districts~~

and other agencies entitled to receive federal funds for the support of schools.

This bill *instead* would ~~amend these provisions to refer to local educational agencies, as defined to specify that county offices of education are included within the scope of this definition~~ *require the state board to direct the allocation and apportionment of federal funds to school districts, and would include county offices of education and other agencies within the definition of school district, as specified, for purposes of these provisions. The bill would also make conforming changes.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Chapter 4.5 (commencing with Section 1550) is~~
2 ~~added to Part 2 of Division 1 of Title 1 of the Education Code, to~~
3 ~~read:~~

4
5 ~~CHAPTER 4.5. FUNDING EQUITY FOR COUNTY OFFICES OF~~
6 ~~EDUCATION~~

7
8 ~~1550. (a) The Legislature finds and declares all of the~~
9 ~~following:~~

10 ~~SECTION 1. The Legislature finds and declares all of the~~
11 ~~following:~~

12 ~~(1)~~

13 ~~(a) County offices of education, which are established pursuant~~
14 ~~to Article IV of the California Constitution, serve a multitude of~~
15 ~~educational needs in their respective regions across the state.~~

16 ~~(2)~~

17 ~~(b) Many county offices of education have the dual role of~~
18 ~~business and education service provider for school districts and as~~
19 ~~direct education provider for pupils with special needs or who are~~
20 ~~at risk of failure in school.~~

21 ~~(3)~~

22 ~~(c) The government and the public schools of California have~~
23 ~~a moral obligation and a constitutional duty to provide all of~~
24 ~~California's children with the skills necessary to become productive~~

1 members of our society irrespective of ability or status as an
2 adjudicated or foster youth.

3 ~~(4)~~

4 (d) County offices of education may be ~~purposely~~ excluded
5 from, or are not always considered to be eligible for, various
6 funding streams established to benefit pupils, parents or caregivers,
7 and educators, even though they are the presumed local educational
8 agency to serve certain pupils.

9 ~~(5)~~

10 (e) Children who are served by county offices of education have
11 the most to gain through the provision, to the county offices, of
12 equitable and equal access to grants and other funds that are
13 provided to school districts.

14 ~~(b) In accordance with the findings and declarations set forth~~
15 ~~in subdivision (a), the Superintendent shall ensure that each county~~
16 ~~office of education shall be eligible for any funding opportunity~~
17 ~~that would benefit pupils, parents or caregivers, or educators and~~
18 ~~that would be available to a school district in circumstances that~~
19 ~~are substantially similar to those pertaining to that county office~~
20 ~~of education, unless the exclusion of a county office of education~~
21 ~~would be required by statute.~~

22 SEC. 2. Section 12000 of the Education Code is amended to
23 read:

24 12000. (a) Whenever, by any act of Congress, funds are
25 provided as federal aid to education to the several states and the
26 disposition of the funds is not otherwise provided for by or under
27 the act of Congress or by or under any law of this state, the
28 apportionment and distribution of those funds to ~~local educational~~
29 ~~agencies~~ *school districts* shall, insofar as consistent with the
30 requirements prescribed by the federal law and implementing rules
31 and regulations, be governed by the standards set forth in this
32 article.

33 (b) Whenever a federal law designates a ~~state education~~
34 ~~educational~~ agency or other agency or officer primarily responsible
35 for state supervision of public schools, that designation shall be
36 deemed to refer to the State Board of Education. The State Board
37 of Education shall make timely application for any federal funds
38 made available, and shall, pursuant to the federal law and this
39 article, direct the allocation and apportionment of the federal funds
40 to ~~local educational agencies~~ *school districts*.

1 ~~(e) As used in this article, “local educational agencies” include,~~
2 ~~but are not necessarily limited to, school districts and county offices~~
3 ~~of education.~~

4 *(c) As used in this article, “school districts” include school*
5 *districts, county offices of education, and other agencies deemed*
6 *eligible pursuant to state and federal law.*

7 SEC. 3. Section 12001 of the Education Code is amended to
8 read:

9 12001. The State Board of Education shall adopt rules and
10 regulations for the allocation of federal funds to ~~local educational~~
11 ~~agencies~~ *school districts* entitled to receive federal funds for the
12 support of schools. In determining the rules and regulations by
13 which those allocations are to be made, the State Board of
14 Education shall consider all factors of local effort and all
15 educational programs maintained by those ~~agencies~~ *school districts*.
16 The rules and regulations adopted pursuant to this section shall be
17 based upon need, and the state board shall carefully scrutinize the
18 abilities and efforts of the affected ~~local educational agencies~~
19 *school districts*.